

P 181758Z JUN 09
FM AMEMBASSY TUNIS
TO SECSTATE WASHDC PRIORITY 6455
INFO MAGHREB COLLECTIVE PRIORITY
NSC WASHDC PRIORITY
DEPARTMENT OF JUSTICE WASHDC PRIORITY
SECDEF WASHINGTON DC PRIORITY

S E C R E T TUNIS 000399

NOFORN

STATE FOR NEA/MAG (SWILLIAMS, MHAYES, JPATTERSON)
DRL: KMCGEENEY, S/WCI: ARICCI
DOD/OSD:ALIOTTA, DOJ/ODAG:MSTRANSKY

E.O. 12958: DECL: 08/30/2028
TAGS: [PHUM](#) [PREL](#) [PTER](#) [KDRG](#) [TS](#)
SUBJECT: ICRC: TREATMENT OF PRISONERS IN MOI FACILITIES A
CONCERN

Classified By: Ambassador Robert F. Godec for reasons 1.4 (b) and (d)

Summary

[¶1.](#) (S/NF) The International Red Cross Committee Regional (ICRC) Delegate Yves Arnoldy told the Ambassador ICRC priorities in Tunisia are overcrowding in general and treatment of prisoners in MOI facilities. The ICRC has a good working relationship with the Ministry of Justice, but the Ministry of Interior will take more time. He confirmed that the ICRC has access to some notified MOI facilities and was trying to get information about non-notified facilities. He also said, if offered the chance to make a recommendation about the transfer of Tunisian detainees held in Guantanamo back to Tunisia that he, "would not like to be in the Ambassador's place." End Summary.

Guantanamo Detainees

[¶2.](#) (S) The Ambassador met recently with ICRC Delegate Yves Arnoldy to obtain an update on the organization's activities in Tunisia and the region.

[¶3.](#) (S/NF) Discussing the Guantanamo detention facility, the Ambassador stressed President Obama's intention to close the facility by the end of the year. He said the question of transferring the Tunisian detainees back to Tunisia was under review in Washington and asked what Arnoldy would recommend if he had the opportunity. Arnoldy responded, obliquely saying, it was a difficult decision and he "would not like to be in the Ambassador's place." He asked to be kept informed about the status of any potential transferees because ICRC is in touch with their families in Tunisia and will keep them informed. ICRC will also be testing a video conferencing capability soon to improve communications between detainees still in Guantanamo and their families.

ICRC Activities

[¶4.](#) (S/NF) Arnoldy said the ICRC is focused on the long-term in Tunisia. It was only allowed access to prisoners in 2005. It is a question of building trust, which takes time, but relations have reached an, "interesting level with solid ground for development particularly with the Ministry of Justice." The ICRC has two tracks it is working on, overcrowding in general, and treatment of prisoners in facilities under MOI control.

Relations with MOJ

¶15. (S/NF) Arnoldy said the ICRC relations with the Ministry of Justice are cooperative. He had direct contact whenever he needed it with his interlocutors up to the Minister, and there were clear signs of political will to cooperate on prison inspections. The MOJ is ready to take advantage of the resources ICRC has to offer and is becoming interested in a dialogue on wider issues of justice. He could see possibilities to develop activities with the MOJ beyond just treatment of prisoners to a more strategic, structural level, including training of staff and exchange of ideas with other national systems. When asked by the Ambassador if he could confirm if the MOI had access to prisoners held in MOJ facilities he said he could not add any information to this, but then added, that certain ministries have the ability to affect the MOJ system.

Relations with MOI

¶16. (S/NF) Arnoldy characterized ICRC relations with the MOI as "needing improvement." The ICRC is taking a step-by-step approach and the level of dialogue has made some progress since the beginning. However, changing treatment is a long-term issue that will entail changes in the MOJ's attitude and "mentality." The ICRC is seeking to improve the dialogue and develop the basis for adding more substance. Arnoldy confirmed that the ICRC has access to "notified" MOI facilities and was trying to get information about "non-notified" facilities.

Relations with the MFA

¶17. (C) Arnoldy said he has to double track his meeting requests with the Ministry of Justice via diplomatic note to the MFA however the MFA does not block or delay his requests. He noted that his relationship with the MFA had declined somewhat after the departure of Hatem Ben Salim who was the Secretary of State for European Affairs until 2008.

NGO Reports of Treatment

¶18. (S/NF) The Ambassador asked Arnoldy for his impression of the reliability of information on treatment of prisoners provided by NGOs and others without direct access to the prisoners. He asked if the ICRC questioned their public statements about treatment. Arnoldy said, it is difficult for NGOs and others to know exactly what is happening and third hand sourcing has its problems. Not everything they say is accurate, but it is a source of information. They often give him tips that he can follow-up on or verify and sometimes they do have good sources, especially through contact with prisoners' families.

Regional Activities

¶19. (S/NF) The Ambassador asked for an overview of the ICRC office's regional activities, which Arnoldy is responsible for, in brief:

-- Libya - Relations are difficult. Arnoldy has a hard time visiting Libya because of his Swiss passport and the strained relations between Libya and Switzerland. ICRC depends on Tunisian staff going to Libya or Libyans coming to Tunisia.

-- Mauritania - The ICRC has signed a headquarters agreement with Mauritania upgrading their status to a mission but the office will still answer to the Tunis office. There are approximately 1,200 prisoners in Mauritania.

-- Morocco - ICRC has a presence in Morocco but does not have any diplomatic status. Therefore the Morocco office focuses on issues of international humanitarian law. The rest of ICRC activities are handled through the Tunis office. Morocco is the biggest file in the region, concerned mainly individuals who "disappeared" as a result of the Western Sahara conflict. ICRC is discussing up-grading its status with the government of Morocco, it is just a question of time. When they reach an agreement, ICRC will likely open several offices in Morocco which will not be dependent on the Tunis office.

¶10. (U) Arnoldy expressed the ICRC's appreciation for USG support for the organization. The ICRC depends on donors to support it so it can react quickly in a crisis and not wait until it has confirmed funding before taking action.

Comment

¶11. (S/NF) Arnoldy was as frank as he could be given the confidentiality policy of the ICRC. It was clear that he was not positive about the prison conditions in the MOI facilities nor about the MOI's attitude toward cooperating with the ICRC. He did say however, that some progress had been made in the ICRC-MOI dialogue but that it would take time. Given that ICRC is the only international organization with reliable access to the prisons, we have to give weight to their comments, even if cryptic.

Godec